

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

KEMP PROPERTIES, LLC #1

*Plaintiff,*

v.

GREAT LAKES INSURANCE SE,  
ALACRITY SOLUTIONS GROUP, LLC  
AND DIANA BLACKWELL

*Defendants.*

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CASE NO. 1:22-cv-79

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

Defendant GREAT LAKES INSURANCE SE (hereinafter “Defendant” or “Great Lakes”), in a cause styled *Kemp Properties, LLC #1 v. Great Lakes Insurance SE, et al.*, originally pending as Cause No. B208598 in the 60<sup>th</sup> Judicial District Court of Jefferson County, Texas, hereby respectfully files this Notice of Removal of that cause to the United States District Court for the Eastern District of Texas, Beaumont Division, while fully reserving all rights and defenses, and as grounds therefore would respectfully show the Court as follows:

**NATURE OF THE PENDING STATE CASE**

1. On or about October 15, 2021, Kemp Properties, LLC #1 (“Plaintiff”) filed a civil action styled *Kemp Properties, LLC #1 v. Great Lakes Insurance SE*, under Cause No. B208598 in the 60<sup>th</sup> Judicial District Court of Jefferson County, Texas.

2. That case is an insurance dispute wherein Plaintiff alleges in its Original Petition that forty-one properties located in Jefferson County, Texas and insured under policies issued by Defendant sustained damage during a hurricane on or about August 27, 2020.

3. Plaintiff alleges that Defendant underpaid Plaintiff's subsequent insurance claims and asserts causes of action for breach of contract, violations of the Texas Insurance Code, fraud, conspiracy to commit fraud, and breach of the duty of good faith and fair dealing.

4. Defendant has attached the documents required to be filed with this Notice of Removal in compliance with Local Rule 81.<sup>1</sup>

### **JURISDICTION**

5. Pursuant to 28 U.S.C. §1441(a), Defendant removes this action to the District Court of the United States for the Eastern District of Texas, Beaumont Division, because it is the District and Division embracing the place where such action is pending. Additionally, this Court has diversity jurisdiction, as shown below, because the parties are citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

#### **A. Diversity of the Parties**

6. Plaintiff is a citizen of Texas, as it is a domestic entity organized under the laws of Texas with its principal place of business in Jefferson County, Texas.

7. Defendant Great Lakes is a citizen of the Federal Republic of Germany. Specifically, Defendant is a Societas Europea incorporated in Germany and registered with the commercial register of the local court of Munich under number HRB 230278. Defendant's registered office is at Königinstraße 107, 80802 Munich, Germany.

8. Former Defendant Alacrity Solutions Group, LLC ("Alacrity") is a foreign entity that was voluntarily dismissed from the state court action by Plaintiff prior to Defendant's filing of this Notice of Removal, and as such is a non-party whose citizenship has no bearing on

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<sup>1</sup> See civil cover sheet, attached hereto as Exhibit "A-1;" state court docket sheet, attached hereto as Exhibit "A-2;" all pleadings, process, and orders, attached hereto as Exhibit "A-3;" list of all parties, attached hereto as Exhibit "B;" list of all counsel of record, attached hereto as Exhibit "C;" record of parties that have requested jury trial, attached hereto as Exhibit "D;" and the name and address of the court from which this case is removed, attached hereto as Exhibit "E."

diversity jurisdiction.

9. Former Defendant Diana Blackwell (“Blackwell”) is a citizen of Texas who was voluntarily dismissed from the state court action by Plaintiff prior to Defendant’s filing of this Notice of Removal, and as such is a non-party whose citizenship has no bearing on diversity jurisdiction.

**B. Amount in Controversy**

10. Plaintiff’s Petition states that the amount in controversy exceeds \$2,000,000.<sup>2</sup>

**TIMING OF REMOVAL**

11. As Blackwell is a Texas citizen and was a named party to this action when Great Lakes received the initial pleading and summons, “the case stated by the initial pleading [was] not removable[.]”<sup>3</sup> However, this action became removable when the state court issued an order granting Plaintiff’s voluntarily motion to dismiss all causes of action against Blackwell (and Alacrity) on February 24, 2022.<sup>4</sup>

12. As such, this Notice of Removal is filed within thirty days after Defendant’s receipt “through service or otherwise, of a copy of an ... order ... from which it may first be ascertained that the case is one which is or has become removable[.]”<sup>5</sup> and is filed less than one year after commencement of the action.<sup>6</sup> This Notice is therefore timely filed.

**NOTICE TO ADVERSE PARTIES AND STATE COURT**

13. As the removing party, Defendant will give Plaintiff prompt written notice of this

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<sup>2</sup> See Exhibit A-3, at p. 6, para. 5.

<sup>3</sup> 28 U.S.C. §1446(b)(3).

<sup>4</sup> See Order Granting Motion to Dismiss signed February 24, 2022 in *Kemp Properties, LLC #1 v. Great Lakes Insurance SE, et al.*; Cause No. B208598 in the 60<sup>th</sup> Judicial District Court of Jefferson County, Texas, a true and correct copy of which is attached to Defendant’s Notice of Removal as Exhibit “A-3” at pp. 33-34 and incorporated by reference herein as if set forth *verbatim*.

<sup>5</sup> 28 U.S.C. §1446(b)(3).

<sup>6</sup> See 28 U.S.C. §1446(c).

Notice of Removal pursuant to 28 U.S.C. §1446(d).

14. Defendant will also file a copy of this Notice of Removal with the 60<sup>th</sup> Judicial District Court of Jefferson County, Texas, where the state court action is currently pending, as required by 28 U.S.C. §1446(d).

### **ANSWER**

15. Defendant filed its Original Answer in state court on December 20, 2021, but will timely file an Amended Answer to Plaintiff's suit in this Court in order to conform to the Federal Rules of Civil Procedure.

### **JURY DEMAND**

16. Defendant hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

### **CONCLUSION AND PRAYER**

17. In light of the foregoing, Defendant respectfully removes this civil action styled *Kemp Properties, LLC #1 v. Great Lakes Insurance SE*, originally pending as Cause No. B208598 in the 60<sup>th</sup> Judicial District Court of Jefferson County, Texas, to the United States District Court for the Eastern District of Texas, Beaumont Division.

18. Defendant prays for such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted by,

/s/ Jake Kauffman

Les Pickett

"Attorney-in-Charge"

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**ATTORNEYS FOR DEFENDANT,  
GREAT LAKES INSURANCE SE**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of February 2022, a copy of the above and foregoing Certificate of Interested Parties was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

/s/ Jake Kauffman

Les Pickett

Jake Kauffman